

**VILLAGE OF PORT CHESTER
ZONING BOARD OF APPEALS AGENDA
March 19, 2015**

Findings

1. Case No. 2015-0112

Michael & Coral Manire
16 Cornell Place
Rye, NY 10573

John G. Scarlato Jr. – Architect
33 Byram Hill Road
Armonk, NY 10504

on the premises No. **8 Rye Road** in the Village of Port Chester, New York, situated on the **North** side of **Rye Road** distant **0 feet** from the corner formed by the intersection of **Rye Road and Bay Drive** being **Section 142.70, Block No 1, Lot No. 7** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **construct new front porch to an existing single family dwelling.**

Property is located in the R7 One family Residential District where the minimum front yard setback is 30.0 ft., proposed is 20.0 ft.; therefore a minimum front yard variance of 10.0 feet is required,

Findings

2. Case No. 2015-0113

Mathew & Maria Misco
6 Harbor Drive
Port Chester, NY 10573

John G. Scarlato Jr. – Architect
33 Byram Hill Road
Armonk, NY 10504

On the premises No. **6 Harbor Drive** in the Village of Port Chester, New York, situated on the **North** side of Shore Drive distant **0 feet** from the corner formed by the intersection of **Harbor Drive and Shore Drive** being **Section 142.63, Block No 1, Lot No. 9** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **construct a new bedroom over a garage addition and new rear trellis to an existing single family dwelling.** Property is located in the R7 One family Residential District where the minimum rear yard setback is 30.0 ft., proposed is 7.6 ft.; therefore a minimum rear yard variance of 22.4 feet is required,

Continued Public Hearing

3. Case No. 2014-0095

Aline Polimeni
220 Westchester Corp.
220 Westchester Avenue
Port Chester, New York 10573

Bernard A. Edelstein, Esq.
315 Westchester Avenue
Port Chester, NY 10573

on the premises No. **220 Westchester Avenue** in the Village of Port Chester, New York, situated on the **South** side of **Westchester Avenue** distant **110 feet** from the corner formed by the intersection of **Westchester Avenue & Grove Street** being **Section 142.22, Block No 1, Lot No. 6** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **Create medical and dental offices on 2nd floor of an existing mixed use building.**

Property is located in the C1 Neighborhood Retail District where a Use Variance is required for medical/dental office use with X-Ray per Village Code 345 Attachment #A Schedule of Regulations for Non-residence Districts

Continued Public Hearing

4. Case # 2015-0110

Carlos Sosa
671 Gramatan Avenue
Mt. Vernon, NY 10552

Alfonso Paltin & Laura Pulla
129 Washington Street
Port Chester, NY 10573

on the premises No. **129 Washington Street** in the Village of Port Chester, New York, situated on the **South** side of **Washington Street** distant **257 feet** from the corner formed by the intersection of **Washington Street and Olivia Street** being **Section 142.37, Block No 1, Lot No. 29** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for: permission to: **legalize a previously constructed 1 story addition to an existing home.**

The home is a 2 family dimensionally non-conforming dwelling located in in the R2F Two Family District where the southeast addition would require a minimum (1) side yard setback of 8.0 feet and a minimum rear yard setback of 30.0 feet. Existing is 5.0 feet side yard setback and a 27.40 feet rear yard setback therefore, a side yard setback variance of 3.0 feet and a rear yard

setback of 2.60 feet is required. The minimum usable open space for each dwelling unit (Square feet) is 800 square feet per unit. Existing is 1370 square feet per unit therefore, a 230 square feet usable open space variance is required

New Public Hearing

5. Case # 2015-0111

NOTICE OF HEARING ON APPLICATION

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

UCF Regent Park LLC@ 14 University Place
745 Boston Street, Suite 502
Boston, MA 02116

on the premises No. **14 University Place** in the Village of Port Chester, New York, situated on the **West** side of **University Place** distant **100 feet** from the corner formed by the intersection of **North Regent Street and University Place** being **Section 136.61, Block No 1, Lot No. 27** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **Reconcile cosmetic improvements made to the site.**

Property is located in the R5 One Family Residence District 5,000 sq. ft. min lot size.

Per Village Code 345 Attachment 1B, identification sign located at the intersection of N Regent Street and University Place requires a front yard variance of 13'2". Per Village Code 345 Attachment 1B, identification sign located at intersection of N. Regent Street and Columbus Ave requires a front yard variance of 20'10" and a side yard variance of 3' 10".

Residence districts allow for only one (1) identification sign: two (2) identification signs proposed, therefore a variance for one (1) additional identification sign is required per Village Code 345-15-C-2. Proposed identification signs exceed twelve (12) sq. ft. in area and require variances per Village Code 345-15-C-2. Proposed is a 45 sq. ft. sign at N. Regent and University requiring a variance of 33 sq. ft. and a 33.75 sq. ft. sign at N Regent and Columbus Ave requiring a variance of 21.75 sq. ft.

The gazebo installed near the intersection of N Regent Street and Columbus Ave requires a front yard setback of 4'6" per Village Code Section 345 Attachment 1B.

NOTE: Additionally, as depicted on the as-built survey/site plan provided (dated 11/3/14), the 3' post and rail fence constructed along perimeter of property appears to be located outside the parcel boundary and within the North Regent St,

Columbus Ave, and University Place Village right of way. Fence must either be removed or applicant must seek approval from the Village Board of Trustees.

New Public Hearing

6. Case # 2015-0114

NOTICE OF HEARING ON APPLICATION

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

Cantina Hospitality LLC
9 Greenwich Office Park
Greenwich, CT 06831

Gary Gianfrancesco – Architect
545.5 Westchester Avenue
Rye Brook, NY 10573

On the premises No. **303 Boston Post Road** in the Village of Port Chester, New York, situated on the **South** side of Boston Post Road, distant **450 feet** from the corner formed by the intersection of **Boston Post Road and Olivia Street** being **Section 142.45, Block No 1, Lot No. 10** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **add 9.5 square feet of additional signage to existing ground sign**

Property is located in the CD Design Shopping District, and, a variance is required if the sign exceeds 80 sq. ft. in total area. Applicant proposes to add an additional 9.5 sq. ft. of additional signage to an existing non-conforming sign, therefore a 9.5 sq. ft. variance is required.

A variance is also required if the set back is less than 20 feet from any property line. Applicant proposes to add an additional sign below and attached to the existing non-conforming sign that is placed at 0 ft. from the property line, therefore a 20 ft. set back variance is required,

New Public Hearing

7. Case # 2015-0115

NOTICE OF HEARING ON APPLICATION

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

Brett Neri
31-37 Pearl Street
Port Chester, NY 10573

Anthony Provenzano, Esq.
320 Westchester Avenue
Port Chester, NY 10573

On the premises No. **10 Pearl Street** in the Village of Port Chester, New York, situated on the **North** side of Westchester Avenue distant **180.50 feet** from the corner formed by the intersection of **Westchester Avenue and Pearl Street** being **Section 142.23, Block No 2, Lot No. 85** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **construct five story brick building/first floor – restaurant, remaining floors-offices**

Property is located in the C3 Office and Commercial District

Off Street Parking Requirements: Provided 48, Required 81, therefore a variance for 13 off street parking spaces is required

Off Street Loading Requirements: Provided 0, Required 1, therefore a variance for 1 off street loading space is required.

Per Village Code Section 345 Attachment 3B the following variances are required:

- 1) Applicant proposes an 8ft front yard setback where a 10 ft. front yard setback is required, therefore a 2 ft. front yard setback variance is required.
- 2) Applicant proposes a FAR of 3.5 where the maximum FAR is 3.0, therefore a 0.5 FAR variance is required.
- 3) Applicant proposes a 10.14 ft. rear yard setback where a 20 ft. rear yard setback is required, therefore an 8.86 ft. rear yard variance is required.
- 4) Applicant proposes a 5 ft. side yard setback on each interior side, provided are two side yards of 5ft. therefore a side yard setback variance of 15 ft. and a total combined side yard variance of 15 ft. is also required.

Applicant also seeks shared parking approval from the Zoning Board of Appeals per Village Code Section 345-14-B7 as the alternative to remove the required parking variance described above.

New Public Hearing

8. Case # 2015-0116

NOTICE OF HEARING ON APPLICATION

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

Munzer Kara, DDS
49 Sammis Lane
White Plains, NY 10605

John B. Colangelo, Esq.
211 S. Ridge Street
Rye Brook, NY 10573

On the premises No. **110 Westchester Avenue** in the Village of Port Chester, New York, situated on the **Southerly** side of Westchester Avenue distant **30 feet** from the corner formed by the intersection of **Westchester Avenue and South Main Street** being **Section 142.30, Block No 2, Lot No. 55** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **make interior renovations to existing building; converting space to a dental office.**

Property is located in the C5T Downtown Mixed Use Transitional District.

Per Village Code Section 345-61-U Medical and Dental offices including x-ray and therapy room, variances for the following three Special Exception criteria are required: **1)** the use shall not be permitted on a lot having an area of less than 12,500 sq. ft.; **2)** the site must be located within 500 ft. of an M-1 Zone; and **3)** the site must be located no more than .6 miles from a hospital,

New Public Hearing

9. Case # 2015-0117

NOTICE OF HEARING ON APPLICATION

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

Makan Land Development II, LLC
P.O. Box 979
Harriman, NY 10926

Zoning Board of Appeals

March 19, 2015

Page 7

On the premises No. **88 Perry Avenue** in the Village of Port Chester, New York, situated on the **left** side of Perry Avenue, distant 180 **feet** from the corner formed by the intersection of **Perry Avenue and Irenhyl Avenue** being **Section 135.76, Block No 3, Lot No. 60.2** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **construct a new deck**

Property is located in the R5 One Family Residential District where the minimum rear yard setback is 30 ft., proposed is a rear yard setback of 26.50 ft., therefore a rear yard variance of 3.50 ft. is required

Adjourn Meeting to April 16, 2015

THE ZONING BOARD OF APPEALS MEETING WILL BE HELD ON THE 3RD THURSDAY OF EVERY MONTH AT 7:00 O'CLOCK IN THE EVENING IN THE COURT ROOM, POLICE HEADQUARTERS BUILDING, AT 350 NORTH MAIN STREET, PORT CHESTER, NEW YORK 10573